

CRIMINAL COMPLAINT

United States District Court		DISTRICT Eastern District of Pennsylvania
UNITED STATES OF AMERICA v. MICHAEL JAMES PRIVETT		DOCKET NO. <i>13-147</i>
		MAGISTRATE'S CASE NO.
Complaint for violation of Title 18 United States Code § 894		
NAME OF JUDGE OR MAGISTRATE <i>DAVID STRAUBERGER</i> Honorable L. FELIPE RESTREPO		OFFICIAL TITLE U.S. Magistrate Judge
DATE OF OFFENSE January 31, 2013	PLACE OF OFFENSE Philadelphia, PA	ADDRESS OF ACCUSED (if known) 6600 Gary Avenue, 1 st Floor Baltimore, MD 21224
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:		
<p>On January 31, 2013, on the cellphone of an individual cooperating with an FBI investigation in the Eastern District of Pennsylvania, the defendant left a voicemail message that attempted to collect an extension of credit by extortionate means, in violation of Title 18, United States Code, Section 894(a)(1).</p>		
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:		
SEE AFFIDAVIT ATTACHED HERETO.		
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:		
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title) <i>Kathleen O'Hanlon, FBI</i>
		OFFICIAL TITLE Special Agent, FBI
Sworn to before me and subscribed in my presence.		
SIGNATURE OF MAGISTRATE ⁽¹⁾ <i>DAVID STRAUBERGER</i> Honorable L. FELIPE RESTREPO, United States Magistrate Judge		DATE <i>2-1-13</i>

1) See Federal Rules of Criminal Procedure rules 3 and 54.

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Kathleen A. O'Hanlon, having been duly sworn, deposes and states as follows:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI"), United States Department of Justice. I have been employed as a Special Agent of the FBI since 1994. For approximately the past 7 ½ years, I have been assigned to the FBI Philadelphia's Organized Crime/Labor Racketeering Squad, which conducts investigations into violations of federal law being committed by criminal organizations and members of Labor Unions operating in the Philadelphia area.

2. I am currently investigating threats made by MICHAEL JAMES PRIVETT which includes violations of 18 U.S.C. § 894, collection of extensions of credit by extortionate means.

3. The factual allegations set forth are based on my personal observations and knowledge, information shared with me by other investigators who are participating in this investigation, information obtained through subpoenaed records and interviews, a review of public records, and physical surveillance. The factual allegations described below include the information necessary to establish probable cause to arrest MICHAEL JAMES PRIVETT; accordingly, the factual allegations do not include all facts known to me as a result of this investigation.

4. A confidential human source ("CHS") reported to the FBI that on Thursday, January 17, 2013, the CHS met and spoke with RONALD L. SELLS ("SELLS") in Churchville, Maryland. The CHS reported that he and SELLS know each other through the Outlaws Motorcycle Club (OMC). SELLS is the Philadelphia Chapter President of the OMC. According to the CHS and law enforcement sources, SELLS is known by the nickname "Bug." The CHS is a probationary member of the OMC. MICHAEL JAMES PRIVETT ("PRIVETT") is a "patched"

member of the OMC, meaning he is an official member. The CHS said that PRIVETT is nicknamed "Maniac" and is known as an enforcer within the OMC. The CHS has identified a photographs of SELLS and PRIVETT for the FBI. Investigation has confirmed that information provided by the CHS now, and in the past, is reliable.

5. During their January 17th meeting, the CHS spoke to SELLS at SELLS'S residence in Churchville, Maryland. Investigation has confirmed that SELLS primary residence is located at 18 Pressie Lane, Churchville, Maryland. SELLS and the CHS walked to a garage/shed that is located on SELLS'S property. SELLS told the CHS "I got the shit." The CHS understood "the shit" was, in fact, drugs. SELLS said he was concerned his wife (i.e., SELLS'S wife) knew "the shit" was in the garage/shed and that he wanted to remove it. The drugs were removed from that location, and SELLS, the CHS, and two other individuals associated with the OMC ("COOP" and "ROB") drove from Maryland to Philadelphia, Pennsylvania on January 17, 2013.

6. On January 17, 2013, when the four individuals arrived at 2103 East Somerset Street, Philadelphia, Pennsylvania, SELLS stated to the CHS "this shit can't be in the clubhouse." SELLS also said "if the bosses find out, I'm gonna be dead and so are you." Investigation has determined the property located at 2103 - 2107 East Somerset Street is the OMC's clubhouse in Philadelphia. A clubhouse is a location where members of a motorcycle club will socialize together. SELLS told the CHS "we need money. We gotta get with your guy and move this stuff." Based on these comments, the CHS agreed to store and then sell the drugs for SELLS. The CHS took sole possession of the drugs in Philadelphia. The CHS left his motorcycle and his trailer at 2103 East Somerset Street when he left with the drugs.

7. The CHS contacted the FBI and the FBI took possession of the drugs on January 18, 2013. In particular, the FBI collected two items weighing over 800 grams. Item One was a plastic bag that contained large pieces of crystalline substance. Item Two was another plastic bag that contained three smaller plastic bags, each with a crystalline substance. FBI Special Agent Matthew Yaeger conducted a field test on the substances. Agent Yaeger is certified to conduct such testing. Agent Yaeger reported these tests were all positive for the presence of methamphetamine.

8. The CHS and SELLS have been in phone contact on multiple occasions to discuss the potential sale of this methamphetamine. These phone conversations have been monitored by the FBI. For example, on January 18, 2013, the CHS told SELLS the CHS was in New York City and had a potential buyer who was interested in purchasing two to four ounces of "the stuff." The CHS asked SELLS how much he would be willing to sell an ounce for, and SELLS said he would take "18" but wanted "20." This meant SELLS would accept \$1,800 for an ounce but preferred \$2,000 for an ounce. SELLS explained the profit for the sale would be \$100 for both SELLS and the CHS.

9. Later on January 18, 2013, the CHS asked SELLS what price could be charged for all the drugs. SELLS said he wanted \$49,000, and he would take no less than "48." This meant SELLS would accept no amount lower than \$48,000 for all the drugs.

10. On January 30, 2013, at approximately 9:30 pm, the CHS called and spoke with SELLS. The CHS said he had SELLS'S money and he wanted to meet SELLS in Philadelphia to return that money. The CHS told SELLS he only wanted to deal with SELLS because he did not trust anyone else. SELLS initially refused, but later acquiesced, to a meeting in Philadelphia on

January 31, 2013.

11. On January 31, 2013, at approximately 10:20 am, the CHS called SELLS and reported he was in a parking lot on the 3300 block of Aramingo Avenue, Philadelphia, PA. The CHS told SELLS to meet him there, and SELLS asked the CHS for directions to that lot. SELLS arrived in the lot at approximately 10:30 am. SELLS arrived alone in a black pick-up truck with Maryland license plates. The CHS and SELLS spoke - outside their vehicles - about the events of the preceding days. During their conversation, SELLS said that he had to lay out \$12,000 to purchase the drugs from an unnamed person, and SELLS later gave those drugs to the CHS to sell. SELLS was arrested by the FBI in that parking lot before 11 am. While SELLS was in FBI custody, he was not allowed to make or to accept any telephone calls. SELLS did not have a cell phone on his person when he was arrested.

12. On January 31st, the FBI seized SELLS's pick-up truck immediately after his arrest. The FBI drove the pick-up truck to FBI headquarters. Inside that pick-up truck, an FBI agent saw a cellphone that rang twice (before going to voicemail) between 11:20 am and 12:20 pm. When the phone rang, it displayed the incoming call number of 410-726-5831. The 410-area code is used in the area of Baltimore, Maryland.

13. On February 1, 2013, the FBI reviewed the incoming calls and voice messages left on the CHS'S cellphone. Three calls are noteworthy for purposes of this affidavit.

14. First, at 1:22 pm, phone number 443-397-8328 called the CHS's cell number and left the following message:

"Hello . . . hello . . . hello. Now I don't got time for games, man. You want your bikes back, you need to come up with my money. Can't get ahold of Bugs. Guess I have to start taking people apart, that's all. See you around."

The CHS identified PRIVETT'S voice, and said that PRIVETT was the person who left this voice message. I know that the 443- area code is used in the area of Baltimore, Maryland. I know that PRIVETT has an address of 6600 Gary Avenue, 1st Floor, Baltimore, Maryland. I believe that when PRIVETT refers to "Bugs," he is talking about SELLS because "Bug" is SELLS'S nickname. I believe that PRIVETT "can't get ahold of Bugs" at that time because Bug (i.e., SELLS) was in FBI custody. I believe that PRIVETT'S reference to "come up with my money" means that PRIVETT believes the CHS owes him money from the aforementioned drug deal.

15. Second, at 3:50 pm, phone number 410-726-5831 called the CHS's cell number and left the following message:

"You can believe one thing. You can fuck with me all you want to but motherfucker, trust me, your whole family is in danger. Fuck you."

The CHS said that PRIVETT did not leave this message. The CHS believes the voice was an associate of SELLS and PRIVETT whom the CHS believes lives in Maryland. The CHS does not know that person's name, but has met that person in the past and heard that person's voice. I know that 410-726-5831 called SELLS'S phone number twice from 11:20 am until 12:20 pm on January 31, 2013.

16. Third, at 8:04 pm, phone number 443-397-8328 called the CHS's cell number and left the following message:

"23 [Street Name]. 4 [Street Name]. I'll have the address for your son's house in Florida this week. I got the tag numbers, I got your bike, I got your trailer. I want my money. Your whole family is going to be in danger if not. You need to pick up the fucking phone. You're supposed to meet Bugs today, now he's not answering the phone either. As far as I'm concerned, both you all in the same boat."

The CHS identified PRIVETT'S voice, and said that PRIVETT was the person

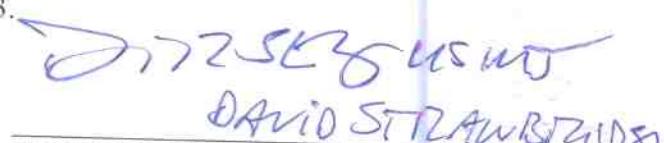
who left this voice message. When PRIVETT listed "23 [Street Name]," he gave a specific address. The address belongs to the CHS'S ex-wife and daughter. When PRIVETT listed "4 [Street Name]," he gave a specific address. The address belongs to the CHS. When PRIVETT referenced "your son's house in Florida," he accurately noted that the CHS has a son. When PRIVETT said "Your whole family is going to be in danger if" the CHS did not provide the money to PRIVETT, I believe he was referring to the money from the drug deal that was referenced in the first phone call. When PRIVETT said he had the CHS'S "bike" and "trailer," I believe he was describing the bike and trailer the CHS left at 2103 East Somerset Street on January 17, 2013. Investigation has confirmed that those items are no longer visible at that address. When PRIVETT references "Bugs," he again meant SELLS. Further, when PRIVETT noted that the CHS was "supposed to meet" SELLS today, he was describing the aforementioned meeting in the parking lot on the 3300 Aramingo Avenue. Finally, when PRIVETT noted that SELLS was "not answering the phone either," he was accurate because SELLS was in custody.

17. Based on all the facts set forth in this affidavit, and based on my experience as an agent, I have probable cause to believe MICHAEL JAMES PRIVETT violated 18 U.S.C. § 894 by using extortionate means to attempt to collect an extension of credit.



Kathleen O'Hanlon
Special Agent, FBI

SWORN TO AND SUBSCRIBED
TO ME THIS 1st DAY OF February 2013.



DAVID S. STRAWN
HONORABLE L. FELIPE RESTREPO
U.S. Magistrate Court Judge